

### **REMARKS**

Claims 1-13 and 56-85 are pending.

Claims 14-55 are canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 1-8, 56-64, 70-78, and 84-85 stand rejected.

Claims 9-13, 65-69, and 79-83 are objected to as being dependent upon a rejected base claim, and have been amended to overcome the objection.

Claims 71-84 have been amended.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 1-13 and 56-85 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1, 57, and 71 recite “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.”

The Office Action states that “The scope of the claims is vague and indefinite since it is not clear what would happen if the primary goal has not been modified.” Office Action, pages 3-4. “As currently recited, nothing happens when the primary goal is not modified and, consequently, the step of generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal is not always required to be executed within the scope of the claimed invention.”

The MPEP § 2106 states that “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.”

Applicants respectfully submit that the presence of the “if” condition in claims 1, 57, and 71 does not indicate that the element does not have to be performed. Applicants respectfully submit that last element of claims 1, 57, and 71 is required to be performed at

all times. In other words, the method always requires “generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal” “if the primary goal has been determined to have been modified.” Applicants respectfully submit that the fact that a primary goal may not have been modified does not make the last element optional.

A situation that would make this element optional and, thus, indefinite, would hypothetically be, “if the primary goal has been determined to have been modified” the method “may generate an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.” In this instance, performance of the element is made optional by the term “may”, not by the term “if”.

Applicants have amended claims 71-84 to recite a “computer readable medium” and have amended claims 72-83 to properly reference claims to which claims 72-83 respectively depend.

Accordingly, Applicants respectfully request withdrawal of the rejection.

### **Claim Rejection - 35 U.S.C. § 103**

Claims 1-8, 56-64, 70-78, and 84-85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer article “eWorkbench: Real-Time Tracking of Synchronized Goals” (hereinafter “*Meyer*”) and “Making Reviews More Efficient and Fair” (hereinafter “*Dutton*”) in view of CultureWorx, as disclosed in *Dutton*, and further in view of “Power-Charging People’s Performance” (hereinafter “*Ellior*”). Applicants respectfully traverse the rejection.

Claims 1, 57, and 71 include “storing a primary goal of the first goal type”, “determining content for a user interface, based on the first and second rules, such that the content directs a user of the user interface in generation of content of a secondary goal of the second goal type that causes alignment of the secondary goal with the primary goal of the first goal type”. Claims 1, 57, and 71 further include “determining, with the computer system, if the primary goal has been modified” and “if the primary goal has

been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.” Claims 7-11, 65-67, and 77-11 also relate to alignment information and alignment warnings. Objected to claims 9, 65, 79 specifically relate to “highlighting the alignment warning object in response to determining that the parent goal has been modified.”

As discussed in more detail below, Applicants respectfully submit that Applicants could locate no teachings or suggestions in *Meyer, Dutton*, or *Elliot* for even “determining, with the computer system, if the primary goal has been modified” and, thus, no teachings or suggestions relating to “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.” Claims 1, 57, and 71.

The Examiner states that “it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to determine, with the computer system, if the primary goal has been modified, and if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.” September 21, 2007 Office Action, p. 8. The Examiner has cited no reference for such teaching, and Applicants have located no such teaching in teachings or suggestions in *Meyer, Dutton*, or *Elliot*. Applicants respectfully submit that such teachings are provided by the present application and using them against the present invention is impermissible hindsight. If the prior art includes such teachings, Applicants respectfully request that the Examiner provide such a reference with such teachings or withdraw the rejection.

The Examiner also states that “the concept of dynamically updating company goals and making sure that he workers change their priorities and/or work strategies to progress toward the latest organizational goals is so old and well-known in the art of managing an organization that the claimed limitations directed toward automating such steps would have been obvious to try and would yield predictable results.” *Id.*, p. 9.

Applicants respectfully submit that the present invention is not automating a well-known process. Applicants respectfully submit that the present invention facilitates goal alignment that addresses challenges relating to goals in a new way that was not previously contemplated. Applicants respectfully submit that such invention is supported by the conclusion that even the combination of three separate references does not contain the teachings or suggestions of the present invention.

Following are Applicants remarks substantiating that *Meyer* in view of *Dutton* and *Elliot* neither teaches nor suggests the present invention.

*Meyer* teaches a system referred to as ‘eWorkbench’ that “lets managers and line employees create and track goals, and align them with their employer’s broad objectives.” *Meyer*, para. 2. Once a goal is entered using eWorkbench, “By clicking on the “Align” button, the user is presented with a list of his manager’s goals; he then clicks on the appropriate one to link it with his own.” *Id.*, para. 4. In subsequent paragraphs, *Meyer* teaches that progress towards goals can be checked and updated.

*Dutton* teaches that CultureWorx allows communication and administration of incremental sales and rewards programs. *Dutton*, para. 23. “Coaching is also an integral part of Quill’s program.” *Id.*, para. 24. The coaching to by *Dutton* relates to managers coaching employees about the employee’s performance. More specifically, “For managers, such realtime, continuous-feedback systems can help them provide specific performance information before ineffective behaviors become bad habits.” *Id.*, para. 25.

*Elliot* reiterates the importance of an organization’s ability to effectively communicate organization goals. *Elliot* relates to the improvement of employee work performance through understanding of the goals of the employee’s organization, identifying major accomplishments that support those goals, and assistance in meeting those goals. See, *Elliot*, Abstract and paras. 13 and 18. However, Applicants respectfully submit that *Elliot* does not provide any technical or non-technical teachings or solutions regarding goal alignment “if the primary goal has been modified.” Claims 1, 57, and 71.

Applicants respectfully submit that *Meyer* in view of *Dutton* and *Elliot* fails to teach or suggest a system or method that addresses modification of a primary goal and corresponding alignment issues. More specifically, Applicants respectfully submit *Meyer* in view of *Dutton* and *Elliot* fails to teach or suggest “determining content for a user interface, based on the first and second rules, such that the content directs a user of the user interface in generation of content of a secondary goal of the second goal type that causes alignment of the secondary goal with the primary goal of the first goal type”. Claims 1, 57, and 71. Claims 1, 57, and 71 further include “determining, with the computer system, if the primary goal has been modified” and “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.”

The January 29, 2007 Office Action, p. 3, para. 3 states that “the mere alert or conveyance of the fact that goals are misaligned is enough to direct a user of the user interface to make changes to his/her secondary goals in order to facilitate alignment of the user’s secondary goals with the primary goals.” Applicants respectfully submit that Applicants could locate no teachings or suggestions in *Meyer*, *Dutton*, or *Elliot* for even “determining, with the computer system, if the primary goal has been modified” and, thus, no teachings or suggestions relating to “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal.” Claims 1, 57, and 71.

Applicants respectfully submit that for the foregoing reasons *Meyer* in view of *Dutton* and *Elliot* fails to teach or suggest claims 1, 57, and 71.

For at least the same reasons, Applicants respectfully submit that claims directly or indirectly dependent upon claims 1, 57, or 71 are also allowable.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-8, 56-64, 70-78, and 84-85.

### CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

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Respectfully submitted,

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